

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Petitioner,

Case No. 08-20308
Honorable Denise Page Hood

TYRELL STUBBLEFIELD,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO FILE ADDITIONAL
PRETRIAL MATERIALS AND DENYING AS MOOT DEFENDANT'S MOTIONS FOR
DISCLOSURE OF BRADY MATERIALS AND 404(B) EVIDENCE**

I. INTRODUCTION

This matter is before the Court on the Defendant's Motion for Disclosure of Brady Materials [Docket No. 19, filed June 26, 2008], and Defendant's Motion for Leave to File Additional Pretrial Motions [Docket No. 20, filed June 26, 2008], and Defendant's Motion for Notice Regrading 404(b) Evidence [Docket No. 21, filed June 26, 2008]. The Government also filed a Motion in response to the Defendant's motions regarding 404(b) evidence. A hearing was held August 25, 2008.

II. STATEMENT OF FACTS

As to Defendant 1, Anthony Stubblefield ("Anthony"), the indictment alleges three counts:

- 1) Possession with Intent to Distribute Marijuana, 21 U.S.C. § 841(A)(1);
- 2) Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A);
- 3) Improper Storage of Explosive Materials, 18 U.S.C. § 842(j).

As to Defendant 2, Tyrell Stubblefield (“Tyrell”), the indictment alleges two counts:

- 1) Possession With Intent to Distribute Cocaine Base (over 5 grams), 21 U.S.C. § 841(a)(1);
- 2) Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. §924(c)(1)(A).

III. MOTIONS

Defendant’s Motion for Disclosure of Brady Materials

Defendant requests disclosure of any exculpatory evidence from the Government pursuant to the Court’s Standing Order for Discovery and Inspection, Fed. R. Crim. P. 16(a)(1)(C), *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, Rule 404(b) evidence. The Government acknowledges that at this it has provided discovery, thereby mooted the Defendant’s Motion for Disclosure of Brady Materials.

Defendant’s Motions for Leave to File Additional Pretrial Motions

Defendant requests leave to file additional pretrial motions. The Government does not object. The Defendant will have until September 12, 2008 to file any motions to suppress.

Defendant’s Motion for Notice From the Government Regarding R. 404(b) Evidence

Defendant relying on Fed. R. Evid. 404(b), requests an order demanding the government to provide any pretrial disclosures of its intent to introduce “other act evidence at trial.” In response to Defendant’s request, the Government has acknowledged its obligation under the law.

The Government agrees to give the Defendant reasonable notice of intent to use 404(b) evidence at least two weeks prior to trial. Therefore, the Defendant’s Motions is moot.

IV. CONCLUSION

Accordingly,

IT IS ORDERED that the Defendant's Motion for Disclosure of Brady Materials [Docket No. 19, filed June 26, 2008] is **DENIED** as **MOOT**.

IT IS FURTHER ORDERED that the Defendant's Motion for Leave to File Additional Pretrial Motions [Docket No. 20, filed June 26, 2008] is **GRANTED**, and Defendant may file until September 12, 2008.

IT IS FURTHER ORDERED that the Defendant's Motion for Notice From the Government Regarding R. 404(b) Evidence [Docket No. 21, filed June 26, 2008] is **DENIED** as **MOOT**.

IT IS FURTHER ORDERED that the Government shall provide notice of its intent to use rule 404(b) evidence, two weeks prior to trial.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: August 28, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 28, 2008, by electronic and/or ordinary mail.

s/Lisa Ware for William F. Lewis
Case Manager